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INFO RUEHDS/AMEMBASSY ADDIS ABABA PRIORITY 8461
RUEHCO/AMEMBASSY COTONOU PRIORITY 0370
RUEHDR/AMEMBASSY DAR ES SALAAM PRIORITY 4627
RUEHDJ/AMEMBASSY DJIBOUTI PRIORITY 4148
RUEHKM/AMEMBASSY KAMPALA PRIORITY 1333
RUEHLS/AMEMBASSY LUSAKA PRIORITY 4002
RUEHSA/AMEMBASSY PRETORIA PRIORITY 8208
RUEHTN/AMCONSUL CAPE TOWN PRIORITY 1099

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SUBJECT: POST'S RESPONSE TO PROPOSED WJEI PROGRAM FOR KENYA
OUTLINE

REF: A. STATE 50186

¶B. 05 STATE 168040

¶11. (U) SUMMARY: Post welcomes the Interagency Assessment Team's recommendations for a Women's Justice and Empowerment Initiative (WJEI) in Kenya and its request for Post input on the advisability, feasibility, and costs of the proposed activities, as well as a second area for geographic focus. Post endorses a WJEI program in Kenya with an estimated budget of USD 5 million in year one and concurs with the Team's recommendations to focus the program in two geographic areas (Post suggests Nairobi/Kibera and Mombasa) and to implement activities in three core components: Awareness, Legal/Judiciary, and Support Services to Victims of Violence Against Women. Post believes that the existing RLA position in Nairobi is able to integrate WJEI programming into the current scope of work; Post does not endorse the creation of a second WJEI-specific RLA position in Nairobi.
END SUMMARY.

WJEI Program in General and Result to be Achieved

¶12. (U) This cable responds specifically to the recommendations contained in Ref A. Post endorses the WJEI in Kenya with an estimated budget of USD 5 million in year one and concurs with the Team's findings and recommendations for conducting activities in three areas: Awareness, Legal/Judiciary and Support Services to Victims of Violence Against Women. Below is a detailed response tracking the Team's specific program recommendations as well as suggestions for efficient and effective contracting mechanisms, proposed level of funding for each major component, and suggestions for WJEI coordination and its impact on USG human resources. There is further consensus on the advisability of a geographic focus and Post recommends Mombasa in addition to Nairobi/Kibera. This proposal is based on need as well as our belief that the program could be initiated on a timely basis building on the positive relationships that have been established under the President's Emergency Plan For Aids Relief (PEPFAR).

¶13. (U) The proposed program results may be overly ambitious. However, Post feels confident that the program can achieve key results in the targeted geographic areas in a three year timeframe including: an increased awareness of sexual offenses and the rights of women to be free from such offenses; increased interaction and coordination among police, prosecutors, and health workers responding to

incidents of sexual offenses; and improved and more accessible counseling and support services for victims of sexual offenses. Given Kenya's lack of statistical data, a monitoring and evaluation (M&E) system as well as baseline data will need to be established to assess the program impact. Establishment of an M&E system is built into all program components and estimated budgets.

Awareness

¶4. (U) Post endorses the team's recommendation to support awareness activities aimed at addressing attitudes toward women as well as the content of the sexual offenses bill by providing grants to such organizations as men's groups, faith based organizations, and traditional leaders, among others. Post further notes that USAID is in the process of contracting an umbrella grants management program. This mechanism can be utilized to award subgrants to Kenyan NGOs to implement awareness activities outlined in Ref A under 3.A, B, E, F, and G.

¶5. (U) With respect to recommendation 3.C, note that the Centers for Disease Control (CDC), the Department of Defense (DOD), and USAID all currently support programs with elements of the uniformed services including the Military, Kenya Wildlife Service, Prisons, Police, and National Youth Service. Post welcomes the idea of adding a gender violence prevention element to these programs and the PEPFAR Country Team will look into amending its current program to promote this synergy. This can be accomplished with current PEPFAR funding. WJEI funding, at least during the initial year, is not necessary to accomplish this purpose.

¶6. (U) Post also endorses the concept of an awareness raising campaign in the two target geographic areas as outlined in 3.D. Post recommends further verification as to whether the "adopt a light8 proposal is viable, and would suggest similar types of activities, potentially via & adopt a light8, radio, and other relevant sources. (Note: Radio or other campaigns would cost approximately USD 700,000, which could be built into small grants. End Note.) Post estimates an overall budget of approximately USD 1,800,000 for the Awareness component in the first year of funding.

Legal/Judiciary

¶7. (U) Post endorses the proposal to coordinate activities under the GOK led Governance, Justice, Law and Order Sector (GJLOS) Reform Program, where feasible. In addition to the Legal/Judiciary component, the Awareness component will also need to be closely coordinated with the GJLOS Reform Program. The Team's candor regarding the challenges of working with the police is appreciated. Similarly, Post concurs with the Team's concerns regarding funding for the DNA lab. Post suggests deferring any decision on assistance for general police training and the DNA lab, outlined in sections 5 and 7.E, to year two of the program.

¶8. (U) Notwithstanding the articulated challenges, limited targeted assistance to the police, based on ongoing programs evidencing signs of success, is warranted. Specifically, Post endorses expanding Safer World's current community policing program to include activities related to gender desks and community policing as outlined in 7.A and B of Ref A. Post's preference for funding such activities would be via USAID/Kenya's Office for Democracy and Governance unless Washington/INL prefers to obligate the money directly to Safer World.

¶9. (U) While concurring with the Team's risk assessment related to prosecutorial support, Post endorses specific training for police prosecutors on sexual offenses, identified in section 7.C, as long as it can be built into current ongoing support to develop the institutional capacity of the Department of Public Prosecutions (DPP). Funding for

the training could be added to the ongoing Department of Justice (DOJ) program. It may be worth reiterating that current USG support foresees the development of a comprehensive prosecutors, training curriculum. This envisions training for targeted police prosecutors, who are scheduled to be moved from the supervision of the Chief of Police to the Attorney General's Office. Although this move has not yet been operationalized, the authority providing for this move does allow current USG programs to provide overall prosecutorial training to the police prosecutors. Thus, the addition of a specialized unit on sexual offenses should be feasible.

¶10. (U) Post also concurs with recommendation 7.D which proposes to team police constables, nurses at health dispensaries, and social workers. This would be implemented in partnership with PEPFAR. More specifically, funding for this activity could be included in the APHIA II grant with a specific reference to creating linkages with the Safer World activities.

¶11. (U) Post estimates an overall budget of approximately USD 1,100,000 for the first year of the Legal/Judiciary component.

Support Services to Victims of Violence Against Women

¶12. (U) Post acknowledges the statement that Nairobi Women's Hospital (NWH) has been receiving patient referrals from Kenyatta National Hospital (KNH) for post-exposure prophylaxis (PEP). This is an important finding and PEPFAR will ensure that training and support is provided at KNH so PEP referrals are not necessary in the future. This can be accomplished with existing PEPFAR funding. Ref A then proceeds to identify six bullets of suggested interventions in Section 10. Post endorses all of the proposed interventions. The PEPFAR Country Team will lead these activities and has ongoing support mechanisms where funding can be obligated. For example, the Family Health International (FHI) follow-on program could take a leading role in facilitating dialogue and partnership between KNH and the police post at its gate. It is also worth restating that

bullet four, ensuring the availability of PEP at KNH, will be accommodated with current PEPFAR funding. The other five bullets would require WJEI support.

¶13. (U) Post welcomes the creation a PEPFAR satellite program in Mombasa and the PEPFAR Country Team would lead this element. WJEI could complement PEPFAR activities by broadening the array of facilities, counseling and referral services to encompass the health and medium)to)long term counseling needs of victims of violence. It could also sponsor training in conjunction with NWH and KNH for satellite personnel. However, based on the overall discussion of the viability of supporting shelters under this program, Post does not recommend including an element on shelter facilities as outlined in the second bullet in section 11. Similarly, at this point, Post suggests limiting WJEI programs to two geographic areas, Kibera and Mombasa, given the need to ensure adequate resources and results in the proposed program's limited duration.

¶14. (U) Post estimates an overall budget of approximately USD 2,100,000 for the first year of the Support Services to Victims of Violence Against Women component.

USG Personnel

¶15. (U) Post agrees that DPP activities will be more effective if implementation is coordinated by a DOJ Resident Legal Advisor (RLA). A DOJ RLA is scheduled to arrive at post in May 2006. His portfolio includes overseeing training to strengthen the capacity of the public prosecutors. Post (and the incoming RLA) is confident that the proposed discrete training for police prosecutors under the WJEI program could be effectively integrated into the overall support to the DPP and could be integrated into the RLA's portfolio without

unduly burdening his workload. It is also worth highlighting that the DOJ employs a full time Kenyan attorney to assist with this program. If further assistance is needed for particular training sessions, then additional TDY assistance could be utilized. However, given the amount of assistance targeted at the DPP, the duration of the assistance, and the expected arrival of a DOJ RLA to strengthen the DPP, Post does not endorse the creation of a second RLA position in Nairobi. Post further reminds the Team of our security and footprint concerns, which argue for managing a program of this size through positions already present in Nairobi.

¶16. (U) Post recommends that the main point of coordination for the WJEI Kenya program be the USAID/Kenya Office for Democracy and Governance for two reasons. First, given the proximity of the WJEI objectives to USAID's ongoing democracy and governance strategic objective, USAID believes existing human resources are sufficient to coordinate this initiative in country. Second, USAID is the deputy lead donor for the Governance, Justice, Law and Order Reform Sector (GJLOS) Program and is best suited to ensure that the WJEI Kenya program is coordinated via that mechanism as requested by the GOK and suggested by the Team.

¶17. (U) Finally, the WJEI-PEPFAR link will be capitalized on by adding a WJEI agenda item to periodic PEPFAR interagency team meetings and assuring that USAID/Kenya Office for Democracy and Governance personnel are represented at those meetings.

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